

PATENT

Attorney Docket No. 47038-0247-00-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kristina ALLEN <i>et al.</i>)	Confirmation No.: 4255
)	
U.S. Application No.: 10/593,089)	Group Art Unit: Unassigned
)	
Filed: September 15, 2006)	Examiner: Unassigned
)	
For: METHOD OF SYNTHESIZING AND)	
PURIFYING DKK PROTEINS AND DKK)	
PROTEINS OBTAINED THEREBY)	

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed May 8, 2007.

A copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

			Basic National Stage Fee: \$300.00	Previously Paid
	Number Filed	Number Extra	at a Rate of	
Total Claims	34 - 20 =	14	\$50.00 each=	Previously Paid
Independent Claims	3 - 3 =	0	\$200.00 each=	\$0.00
Multiple dependent claim(s), if any			\$360.00	\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$0.00
Application Search Fee			\$400.00	Previously Paid
Examination Fee			\$200.00	Previously Paid
			SUB-TOTAL =	\$130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	\$0.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	\$0.00
			TOTAL FILING FEE =	\$130.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total</u>	<u>Months</u>	<u>Extension Fee</u>	<u>Extension Fee [Small</u>
	<u>Requested</u>			<u>Entity]</u>
<input type="checkbox"/>	One month		\$120.00	\$60.00
<input checked="" type="checkbox"/>	Two months		\$450.00	\$225.00
<input type="checkbox"/>	Three months		\$1,020.00	\$510.00
<input type="checkbox"/>	Four months		\$1,590.00	\$795.00
<input type="checkbox"/>	Five months		\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$450.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees	\$580.00
	Assignment Fees	\$ 40.00
	Total Fee Due	\$620.00

- ☒ A check in the amount of \$620.00 to cover the above fees is enclosed.
- ☐ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, non-US patent documents as listed
- ☒ Assignment Recordation Cover Sheet (PTO Form-1595)
- ☒ Assignment of the invention to (1) Wyeth and (2) Oscient Pharmaceuticals Corporation

09/12/2007 MKAYPAGH 00000121 10593089

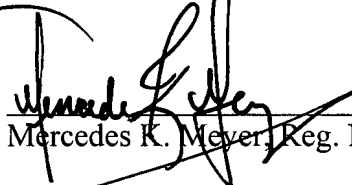
01 FC:1617 130.00 OP

09/12/2007 MKAYPAGH 00000121 10593089

02 FC:1252 450.00 OP

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



Mercedes K. Meyer, Reg. No. 44,939

Date: September 10, 2007

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K. Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel: (202) 842-8800

Fax: (202) 204-0289



UNITED STATES PATENT AND TRADEMARK OFFICE

Joann 227744

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

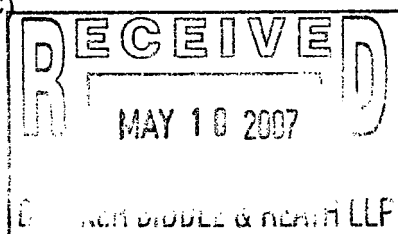
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,089	Kristina Allen	47038-0247-00-US

INTERNATIONAL APPLICATION NO.
PCT/US05/10001

I.A. FILING DATE	PRIORITY DATE
03/23/2005	03/23/2004

55694

DRINKER BIDDLE & REATH (DC)
 1500 K STREET, N.W.
 SUITE 1100
 WASHINGTON, DC 20005-1209



CONFIRMATION NO. 4255

371 FORMALITIES LETTER



OC000000023740229

Date Mailed: 05/08/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/15/2006
- Copy of the International Search Report filed on 09/15/2006
- Preliminary Amendments filed on 09/15/2006
- Information Disclosure Statements filed on 09/15/2006
- Biochemical Sequence Diskette filed on 09/15/2006
- U.S. Basic National Fees filed on 09/15/2006

Docketed 5110107 Attorney Mkm / BKL
 Case 41038-0247
 Due Date 7/8/07
 Action MISS. Requirements Due
 By [Signature] Chk

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,089	PCT/US05/10001	47038-0247-00-US